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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BILL CANON,	:	
	:	
Plaintiff,	:	
	:	24-CV-04064 (VEC)
-against-	:	
	:	<u>ORDER</u>
	:	
HISTORICAL DESIGN, INC.,	:	
	:	
	:	
Defendant.	:	
-----X		

VALERIE CAPRONI, United States District Judge:

WHEREAS on May 28, 2024, Plaintiff filed this action against Historical Design, Inc.,
Compl., Dkt. 1;

WHEREAS on May 30, 2024, the Court referred the matter to the Mediation Office for
settlement purposes, Order, Dkt. 7;

WHEREAS also on May 30, 2024, the Court ordered that “[i]f Plaintiff has effected
service on a Defendant, and that Defendant has failed to appear in the case or respond to the
Complaint, Plaintiff must move for a default judgment against that Defendant in accordance with
this Court’s Individual Practices no later than 45 days after the date of the service of the
Complaint,” *id.*;

WHEREAS on June 5, 2024, Plaintiff served Defendant Historical Design, Inc., *see* Aff.
of Service, Dkt. 8;

WHEREAS more than 45 days passed since Plaintiff served Defendant, but Defendant
did not appear, answer, or otherwise respond to the Complaint;

WHEREAS on July 25, 2024, the Court ordered Plaintiff to show cause why the case should not be dismissed without prejudice for failure to prosecute because Plaintiff failed to comply with the Court's May 30, 2024, Order that required Plaintiff to move for default judgment no later than 45 days after service if a served defendant has neither appeared nor responded to the Complaint, *see* Order, Dkt. 14;

WHEREAS also on July 25, 2024, Plaintiff sought a Certificate of Default from the Clerk of Court; the Clerk issued the Certificate of Default on July 26, 2024, *see* Dkts. 11–12, 13;

WHEREAS Plaintiff responded to the Court's Order to show cause by stating that he requested and received a Certificate of Default only a few days after the 45-day deadline ran and that he intended to move for default judgment shortly, *see* Letter, Dkt. 15;

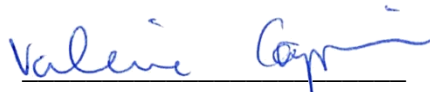
WHEREAS given Plaintiff's response, the Court extended Plaintiff's deadline to move for default judgment until August 8, 2024, *see* Order, Dkt. 16; and

WHEREAS Plaintiff again failed to comply with an Order of the Court because he did not move for default judgment by August 8, 2024;

IT IS HEREBY ORDERED that this case is DISMISSED without prejudice for failure to prosecute.

SO ORDERED.

Date: August 12, 2024
New York, New York


VALERIE CAPRONI
United States District Judge